

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 176

Introduced By: Cornett, 45; Flood, 19;
Read first time: January 8, 2007
Committee: Judiciary

A BILL

1 FOR AN ACT relating to police animals; to amend section 28-906,
2 Reissue Revised Statutes of Nebraska, and section 28-1008,
3 Revised Statutes Cumulative Supplement, 2006; to redefine
4 the term for certain crimes; and to repeal the original
5 sections.

6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-906, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 28-906. (1) A person commits the offense of obstructing a
4 peace officer, when, by using or threatening to use violence, force,
5 physical interference, or obstacle, he or she intentionally obstructs,
6 impairs, or hinders (a) the enforcement of the penal law or the
7 preservation of the peace by a peace officer or judge acting under
8 color of his or her official authority or (b) a police animal
9 assisting a peace officer acting pursuant to the peace officer's
10 official authority.

11 (2) For purposes of this section, police animal means (a)
12 a horse ~~or dog~~ owned or controlled by ~~the State of Nebraska~~ a
13 law enforcement agency for the purpose of assisting a ~~Nebraska~~
14 ~~state trooper acting pursuant to his or her official authority.~~
15 peace officer in the performance of his or her official duties or (b)
16 a dog, certified as a police service dog pursuant to standards
17 recognized by the Police Standards Advisory Council, owned or
18 controlled by a law enforcement agency for the purpose of assisting a
19 peace officer in the performance or his or her official duties and
20 such officer is certified as a police service dog handler pursuant to
21 standards recognized by the Police Standards Advisory Council.

22 (3) Obstructing a peace officer is a Class I misdemeanor.

23 Sec. 2. Section 28-1008, Revised Statutes Cumulative
24 Supplement, 2006, is amended to read:

25 28-1008. For purposes of sections 28-1008 to 28-1017:

26 (1) Abandon means to leave any animal for any length of time
27 without making effective provision for its food, water, or other care

1 as is reasonably necessary for the animal's health;

2 (2) Animal means any vertebrate member of the animal
3 kingdom. The term does not include an uncaptured wild creature;

4 (3) Cruelly mistreat means to knowingly and intentionally
5 kill, maim, disfigure, torture, beat, mutilate, burn, scald, or
6 otherwise inflict harm upon any animal;

7 (4) Cruelly neglect means to fail to provide any animal in
8 one's care, whether as owner or custodian, with food, water, or other
9 care as is reasonably necessary for the animal's health;

10 (5) Humane killing means the destruction of an animal by a
11 method which causes the animal a minimum of pain and suffering;

12 (6) Law enforcement officer means any member of the Nebraska
13 State Patrol, any county or deputy sheriff, any member of the police
14 force of any city or village, or any other public official authorized
15 by a city or village to enforce state or local animal control laws,
16 rules, regulations, or ordinances. Law enforcement officer also
17 includes any inspector under the Commercial Dog and Cat Operator
18 Inspection Act to the extent that such inspector may exercise the
19 authority of a law enforcement officer under section 28-1012 while in
20 the course of performing inspection activities under the Commercial
21 Dog and Cat Operator Inspection Act; and

22 (7) Police animal means (a) a horse ~~or dog~~ owned or
23 controlled by ~~the State of Nebraska~~ a law enforcement agency for
24 the purpose of assisting a ~~Nebraska state trooper~~ law enforcement
25 officer in the performance of his or her official enforcement duties
26 or (b) a dog, certified as a police service dog pursuant to standards
27 recognized by the Police Standards Advisory Council, owned or

1 controlled by a law enforcement agency for the purpose of assisting a
2 peace officer in the performance of his or her official duties and
3 such officer is certified as a police service dog handler pursuant to
4 standards recognized by the Police Standards Advisory Council

5 Sec. 3. Original section 28-906, Reissue Revised Statutes of
6 Nebraska, and section 28-1008, Revised Statutes Cumulative Supplement,
7 2006, are repealed.